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8
9 Counsel for The International Church of the Foursquare Gospel
10 and certain wildfire victims from the Camp Fire

11 **UNITED STATES BANKRUPTCY COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13
14
15 In re,

16 PG&E CORPORATION

17
18 -and-

19 PACIFIC GAS AND ELECTRIC COMPANY

20 Debtors.

21 Affects both debtors

CASE NO.: 19-30088(DM)

Chapter 11

(Lead Case)

(Jointly Administered)

22 **APPELLANT'S STATEMENT**
23 **OF ISSUES AND DESIGNATION**
24 **OF RECORD ON APPEAL**

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28 NOTICE IS HEREBY GIVEN that The International Church of the Foursquare

STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

1 Gospel and certain wildfire victims from the Camp Fire represented by this law office
2 in the above referenced bankruptcy pursuant to Rule 8009 of the Federal Rules of
3 Bankruptcy Procedure by and through their undersigned counsel hereby submit (a)
4 this statement of issues to presented on appeal, and (b) a designation of items to be
5 included in the record on appeal in connection with their appeal to the United States
6 District Court for the Northern District of California from the Order Confirming
7 Debtor's and Shareholder Proponents' Joint Chapter 11 Plan of Reorganization Dated
8 June 19, 2020 [Bankruptcy Docket No. 8053] (the "Confirmation Order") entered in
9 the above caption case on June 20, 2020 along with the incorporated documents and
10 exhibits.
11

12 **I. STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

13 Appellants timely objected to the plan confirmation on May 15, 2020 [Bankruptcy
14 Docket No. 7308] specifically to the enforceability of the requirement in the Fire
15 Victims Trust Agreement that Fire Victim Claims enter into a Third-Party Release,
16 releasing their insurers under the "Made Whole Doctrine" in order to receive any
17 settlement from the Trust. This requirement was not necessary for the completion of
18 the plan, it is manifestly unjust to fire victims and it violates settled law. A mandatory
19 release of third parties is expressly prohibited by Bankruptcy Code Section 524(e) and
20 well-established case law in the Ninth Circuit. (See for example In re Lowenschuss, 67
21 F.3rd 1394 (9th Cir. 1995) Appellants contend that the Bankruptcy Court erred in
22 overruling the objection and confirming a plan that forces fire loss victims to release
23 their third-party insurers in order to receive any payment from the plan and trust.
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II. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD

| Date Filed | Docket No. | Docket Text |
|------------|------------|--|
| 9-17-2019 | 3915 | Notice of Appearance and Request for Notice Filed by Creditor International Church of the Foursquare Gospel |
| 9-9-2019 | 3841 | Chapter 11 Plan of Reorganization filed by Debtor PG&E Corporation |
| 9-18-2019 | 3931 | Status Conference Statement of the Official Committee of Tort Claimants filed by Creditor Committee Official Committee of Tort Claimants |
| 9-23-2019 | 3966 | Amended Chapter 11 Plan file by Debtor PG&E Corporation, related documents and attachments |
| 9-23-2019 | 3967 | Notice Regarding Filing of Debtor's First Amended Joint Chapter 11 Plan of Reorganization, related documents and exhibits |
| 9-24-2019 | 3992 | Motion to Approve Document Debtor's Motion pursuant to 11 U.S.C. Sections 363 (b) and 105 (a) for entry of and order authorizing debtors to enter into restructuring support agreement attachments and exhibits thereto. |
| 9-25-2019 | 4003 | Transcript of Hearing held on 9/24/19 re Status Conference re debtor's plan |
| 10-17-2019 | 4257 | Chapter 11 Plan of Reorganization/Joint Chapter 11 Plan of reorganization |
| 10-21-2019 | 4339 | Reply brief in support of Subrogation Claims Settlement and RSA Motion; Exhibits and Attachments |
| 10-24-2019 | 4467 | Transcript regarding hearing held October 23, 2019 |
| 11-2-2019 | 4554 | Notice Regarding filing of Amended and Restated Restructuring Support Agreement; related documents, attachments and exhibits. |
| 11-4-2019 | 4563 | Amended Chapter 11 Plan Filed by Debtor PGE Corporation. |
| 11-8-2019 | 4628 | Adversary Case No. 19-03053 Complaint by Official Committee of Tort Claimants against the Ad Hoc Group of Subrogation Claims Holders. |
| 12-5-2019 | 4992 | Transcript of Hearing held 12-4-2019 Regarding Debtors Motion Authorizing Debtors to enter into Restructuring Support Agreement. |

STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

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| 1 | 12-19-2019 | 5169 | Transcript of Hearing held 12-17-19 Regarding Motion for Relief from stay |
| 2 | 12-19-2019 | 5173 | Order pursuant to 11 U.S.C. Sections 363(b) and 105(a) and Fed. R. Bankr. P. 6004 and 9019 Authorizing Debtors to enter into Restructuring Support Agreement with Consenting Subrogation Claims Holders. |
| 3 | | | |
| 4 | | | |
| 5 | 12-19-2019 | 5174 | Order pursuant to 11 U.S.C. Sections 363(b) and 105(a) and Fed. R. Bankr. P. 6004 and 9019 Authorizing Debtors to enter into Restructuring Support Agreement with the TCC, Consenting Fire Claimant Professionals and Shareholder Proponents. |
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| 7 | | | |
| 8 | 1-15-2020 | 5383 | Transcript of hearing held 1-14-2020. |
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| 10 | 1-30-2020 | 5563 | Transcript of hearing held 1-29-2020. |
| 11 | 2-5-2020 | 5634 | Transcript of hearing held 2-4-2020. |
| 12 | 2-12-2020 | 5740 | Transcript of hearing held 2-12-2020. |
| 13 | | | |
| 14 | 2-21-2020 | 5873 | Notice Regarding filing of Proposed Fire Victim Claims Resolution Procedures Summary; Related Documents, Attachments and Exhibits. |
| 15 | 2-27-2020 | 5927 | Transcript of Hearing on 2-26-2020. |
| 16 | | | |
| 17 | 2-28-2020 | 5971 | Notice Regarding Filing of Subrogation Wildfire Trust Agreement: Related Documents, Attachments and Exhibits. |
| 18 | 2-28-2020 | 5978 | Notice Regarding Filing of Fire Victim Claims Plan Treatment Summary, Related Documents, Attachments and Exhibits. |
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| 20 | 3-11-2020 | 6258 | Transcript of hearing held 3-10-2020. |
| 21 | 3-12-2020 | 6265 | Transcript of Hearing Held 3-10-2020. |
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| 23 | 3-25-2020 | 6483 | Order Approving Supplement to Disclosure Statement for Debtor's and Shareholder Proponent's Joint Plan; Related Documents, Attachments and Exhibits. |
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| 25 | 5-19-2020 | 7416 | Transcript of Hearing held 5-15-2020. |
| 26 | 6-5-2020 | 7809 | Transcript of Hearing held 6-4-2020. |
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| 28 | 3-9-2020 | 6224 | Notice Regarding Filing of Amended Proposed Victim's Trust Agreement and Related documents, Attachments and Exhibits. |

STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

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| 1 | 5-15-2020 | 7308 | Objection to Confirmation of Plan filed by the International Church of the Foursquare Gospel and Certain Camp Fire Victims. Related Documents, Exhibits and Attachments. |
| 2 | | | |
| 3 | 5-26-2020 | 7597 | Memorandum on Objection of Adventist Health, AT&T, Paradise Entities and Comcast to Trust Documents, Related Document 7500, Attachments and Exhibits. |
| 4 | | | |
| 5 | 6-17-2020 | 8001 | Memorandum Decision – Confirmation of Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization; Related Documents, Attachments and Exhibits. |
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| 7 | 6-20-2020 | 8053 | Order Confirming Debtor’s and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization dated June 19, 2020; Related documents, Attachments and Exhibits. |
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| 9 | 6-22-2020 | 8068 | Notice Regarding Filing of Insurer Adoption Agreement Regarding Mutual Made Whole Release; Related documents, Attachments and Exhibits. |
| 10 | | | |
| 11 | 7-2-2020 | 8252 | Notice of Entry of Confirmation Order and Occurrence of Effective Date of Debtor’s and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2019; Related Documents, Attachments and Exhibits. |
| 12 | | | |
| 13 | 7-3-2020 | 8263 | Notice of Appeal and Statement of Election to have Appeal heard by District Court Filed by the International Church of the Foursquare Gospel and Certain Camp Fire Victims. |
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III. CERTIFICATE REGARDING TRANSCRIPTS.

Pursuant to Rule 8009(b)(1)(B) of the Federal Rules of Bankruptcy Procedure, Appellants hereby file this certificate stating Appellants are not ordering any transcripts. All transcripts have been prepared, are filed on the docket and are designated in the foregoing designation of record.

STATEMENT OF ISSUES AND DESIGNATION OF RECORD ON APPEAL

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Dated: July 17, 2020

RESPECTFULLY SUBMITTED
The Law Office of Joseph West

By: /s/ Joseph West
Joseph West

*Attorney for the International Church
of the Foursquare Gospel and certain
wildfire victims from the Camp Fire*